November 8, 2007

TO: Co-chairpersons Kreiman and Mascher and Members of the Home-based Child Care Study Committee

FROM: John Pollak, Legal Services Division

RE: Substantive Elements of HF 922

Status of HF 922 by Committee on Appropriations. The bill was introduced and was eligible for debate by the House of Representatives under the Appropriations calendar on April 20, 2007. Nine floor amendments were filed. Under House Rule 45, the bill was rereferred to the Committee on Appropriations at the close of the 2007 Legislative Session. The bill and amendments are attached.

- I. Effective July 1, 2008:
- A. An unregistered child care home provider would be required to either conspicuously post or provide information to parents, guardians, and custodians of the children receiving care from the provider of both of the following:
- 1. The number of children being cared for by the provider at any one time is limited to three.
- 2. A statement that corporal punishment by the provider is prohibited under section 237A.18 and an explanation as to how to file a complaint against the provider with DHS
- II. Effective October 1, 2008:
- A. The maximum number of children that an unregistered "child care home" provider could care for at any one time would be reduced from five children to three.
- B. The number threshold for required registration as a "child development home" provider would be reduced from six children or more to four children or more.
- C. The following persons would not be required to register as a child development home: individuals providing care in a private residence to not more than five children who reside in that residence and relatives providing care to not more than five children who are all related to the relative. "Relative" means a person related by blood, marriage, or adoption who is an adult sibling, grandparent, first cousin, aunt, or uncle..
- III. New Code section 237A.18 outlines a new corporal punishment ban applicable to a person who operates, is employed by, or resides in a child care home, child development home, or child care center. "Corporal punishment" is defined to include spanking, slapping, shaking, punishment which is humiliating or frightening, using restraints, or enclosing a child in a locked area. A person who has inflicted corporal punishment may be prohibited from involvement with child care. The section would take effect July 1, 2008.
- IV. The bill requires DHS to jointly establish a workgroup with the Departments of Education, Human Rights, and Health and the Iowa Empowerment Board to address implementation of the bill. The workgroup report is due by December 15, 2007.

House File 922 - Introduced

HOUSE FILE BY COMMITTEE ON APPROPRIATIONS (SUCCESSOR TO HF 416) Passed House, Date _____ Passed Senate, Date Vote: Ayes _____ Nays ____ Vote: Ayes ____ Nays Approved A BILL FOR 1 An Act revising the requirements for child care registration and 2 providing an effective date. 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA: 4 TLSB 2242HV 82 5 jp/gg/14 PAG LIN Section 1. CHILD CARE REGISTRATION == LEGISLATIVE INTENT. 1 2 It is the intent of the general assembly to improve the safety 3 and quality of home=based child care in the state by 1 4 increasing the number of child care providers who are required 1 5 to register under chapter 237A and increasing the staff and 1 6 resources of the department of human services committed to 1 7 addressing home=based child care. Sec. 2. Section 237A.1, subsections 6 and 7, Code 2007, 1 9 are amended to read as follows: 1 10 6. "Child care home" means a person or program providing 1 11 child care to five three or fewer children at any one time 1 12 that is not registered to provide child care under this 1 13 chapter, as authorized under section 237A.3. 7. "Child development home" means a person or program 1 15 registered under section 237A.3A that may provide child care 1 16 to six four or more children at any one time. Sec. 3. Section 237A.3, subsection 1, Code 2007, is 1 18 amended to read as follows: 1 19 1. <u>a.</u> A person or program providing child care to five 1 20 three children or fewer at any one time is a child care home 1 21 provider and is not required to register under section 237A.3A 1 22 as a child development home. 1 23 b. The following are not required to register as a child 1 24 development home under section 237A.3A: 1 25 (1) An individual providing child care in a private 1 26 residence to not more than five children at any one time who 1 27 reside in the private residence. 1 28 (2) A relative providing care to not more than five

1 29 children at any one time who are all related to the relative.

1 30 <u>c. However, Notwithstanding the provisions of paragraphs</u>

1 31 "a" and "b", the person, <u>or</u> program, or relative may register

1 33 d. For the purposes of this section, "relative" means an

1 32 as a child development home.

1 34 adult person who is one of the following relatives of a child 1 35 by means of blood relationship, marriage, or adoption, or is 2 1 the spouse of one of the following relatives: a sibling, a 2 2 grandparent, a first cousin, an aunt, or an uncle. Sec. 4. Section 237A.3, Code 2007, is amended by adding 2 4 the following new subsection: NEW SUBSECTION. 3. a. A child care home provider shall 2 6 provide information to the parents, guardians, and custodians 2 7 of the children receiving child care that the provider is not 2 8 registered as a child development home and that the number of 2 9 children that can be cared for at any one time by the provider 2 10 is limited to three or fewer. b. In addition, the information shall expressly state that 2 12 corporal punishment by a child care home provider is 2 13 prohibited and list all the forms of corporal punishment 2 14 identified in section 237A.18. The information shall also 2 15 explain to the parent how to file a complaint with the 2 16 department against the child care home. c. The information shall be provided to parents, 2 18 guardians, and custodians either in writing at the time of 2 19 enrollment with the provider or be conspicuously posted at the 2 20 main entrance to the child care home where it can be read by 2 21 parents and any member of the public. Sec. 5. Section 237A.5, subsection 2, paragraph a, 2 23 subparagraph (3), Code 2007, is amended by adding the 2 24 following new subparagraph subdivision: NEW SUBPARAGRAPH SUBDIVISION. (f) The person has been 2 26 determined through an investigation by the department of a 2 27 complaint, a child abuse assessment, or the existence of a 2 28 criminal record to have inflicted corporal punishment as 2 29 described in section 237A.18 on an individual receiving child 2 30 care from the person. 2 31 Sec. 6. NEW SECTION. 237A.18 CORPORAL PUNISHMENT. A person who operates, is employed by, or resides in a 2 33 child care home, child development home, or child care center 2 34 shall not inflict corporal punishment on an individual 2 35 receiving care from the child care home, child development 3 1 home, or child care center. For the purposes of this section, 2 "corporal punishment" includes but is not limited to spanking, 3 slapping, shaking, punishment which is humiliating or 4 frightening, using restraints, or enclosing a child in a 5 locked area. Such a person who has inflicted corporal 6 punishment on an individual receiving care from the child care 3 7 home, child development home, or child care center, as 3 8 determined through an investigation by the department of a 3 9 complaint, a child abuse assessment, or existence of a 3 10 criminal record, may be subject to prohibition of involvement 3 11 with child care in accordance with section 237A.5. Sec. 7. WORKGROUP == CHILD CARE REGISTRATION CHANGE 3 13 IMPLEMENTATION AND EARLY CHILDHOOD SYSTEM. 1. a. The department of human services, in partnership 3 15 with the departments of education, human rights, and public 3 16 health and the Iowa empowerment board, shall jointly establish 3 17 a workgroup to address implementation of the provisions of 3 18 this Act and the issues identified in this section. 3 19 workgroup membership shall also include representatives of the 3 20 state child care advisory council. The workgroup shall submit a report with findings and 3 22 recommendations to the governor and general assembly on or 3 23 before December 15, 2007, regarding the implementation of the

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3 24 provisions of this Act and other issues addressed by the
3 25 workgroup.
           The funding transferred to the department of human
3 27 services for development and implementation of a statewide
3 28 mandatory child care registration study from the appropriation
3 29 made to the department of education in accordance with 2007
3 30 Iowa Acts, Senate File 598, if enacted, shall be used for the
3 31 workgroup's activities under this section.
        2. The workgroup shall address the implementation issues
3 33 associated with the mandatory change in child care
3 34 registration made in this Act. The issues considered shall
3 35 include but are not limited to planning for the phase=in of
4 1 and costs for additional inspection visits of child
  2 development homes, increased expense for state child care
  3 assistance slots, state child care assistance reimbursement
  4 methodologies to reward quality, and other implementation
4 5 issues.
        3. The workgroup shall cooperate with early childhood
  7 stakeholders and the private sector in addressing the many
4 8 publicly supported programs and services directed to early
  9 childhood and issues involved with redirecting the programs
4 10 and services to be part of a cohesive child care system.
4 11 issues addressed shall include professional development of
4 12 workers, improving workforce, ensuring articulation between
4 13 programs, meeting the needs of both children and parents,
4 14 enhancing community engagement to support early childhood, and
4 15 other efforts to address early childhood needs with a
4 16 coordinated system.
4 17
        Sec. 8. EFFECTIVE DATE == IMPLEMENTATION.
4 18
        1. The following provisions of this Act take effect
4 19 October 1, 2008:
       a. The provision amending section 237A.1, subsections 6
4 21 and 7.
       b.
           The provision amending section 237A.3, subsection 1.
        2. The department shall adopt administrative rules, assist
4 24 child care providers, and expand staffing to support the
4 25 implementation of the change in the numbers of children for
4 26 which child care homes and child development homes may provide
4 27 child care on October 1, 2008, as provided in this Act, in
4 28 accordance with the funding made available for that purpose.
4 29
                               EXPLANATION
       This bill revises the requirements for child care
4 31 registration administered by the department of human services,
4 32 prohibits persons providing either regulated or unregulated
4 33 care from inflicting corporal punishment, and provides for the
4 34 creation of a workgroup to address implementation of the
4 35 bill's changes and issues associated with developing a more
  1 cohesive child care system.
       An intent section explains that the general assembly is
5 3 seeking to improve the safety and quality of home=based child
  4 care by increasing the number of providers who are required to
5 5 register and the resources available to the department to
  6 address home=based child care.
        Current law in Code section 237A.3 allows a person or
  8 program providing child care to five children or fewer at any
  9 one time to operate as a child care home without registering
5 10 with the department as a child development home. Effective
5 11 October 1, 2008, the bill reduces this number to three
5 12 children or fewer at any one time but allows two exceptions.
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5 13 A relative may provide child care to not more than five

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5 14 related children at any one time. An individual may provide
5 15 child care in a private residence to not more than five
5 16 children who reside in that residence. Conforming amendments
5 17 are included in the relevant definitions in Code section
5 18 237A.1.
5 19
       Effective July 1, 2007, an unregistered child care home
5 20 provider is required to disclose to the parents, guardians,
5 21 and custodians of the children receiving child care that the
5 22 provider is not registered and that the number of children who
5 23 may receive child care at any one time is limited. The
5 24 information is also required to provide information that
5 25 corporal punishment by the provider is prohibited. The
5 26 information is required to be distributed and posted.
       New Code section 237A.18 defines the term "corporal
5 28 punishment", prohibits any person providing child care or
5 29 living where child care is provided from inflicting corporal
5 30 punishment on children receiving care, and states that such a
5 31 person who inflicts corporal punishment may be prohibited from
5 32 involvement with child care. The Code section takes effect
5 33 July 1, 2007.
       The department of human services is required to establish a
5 35 workgroup jointly with the departments of education, human
6 1 rights, and public health and the Iowa empowerment board to
6 2 address issues associated with the bill's changes to child
6 3 care registration and corporal punishment requirements and on
6 4 issues associated with redirecting programs and services to be
  5 part of a cohesive child care system. The workgroup is also
  6 required to include representatives of the state child care
6 7 advisory council. For its work on the cohesive system, the
6 8 workgroup is required to include early childhood stakeholders
6 9 and the private sector. Funding for the workgroup is included
6 10 in 2007 Iowa Acts, Senate File 598, the education
6 11 appropriations bill. The workgroup is required to report to
6 12 the governor and general assembly on or before December 15,
6 13 2007.
6 14 LSB 2242HV 82
6 15 jp:nh/gg/14
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PAG LIN
            Amend House File 922 as follows:
     1 2 \frac{\#1.}{} Page 2, by striking lines 11 through 16.
     1 3 \underline{#2} By striking page 2, line 22, through page 3,
     1 4 line 11.
     1 5 \pm 3. By renumbering as necessary.
     1 6
     1 7
     1 8
     1 9 FORRISTALL of Pottawattamie
     1 10 HF 922.203 82
    1 11 jp/es/10232
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           Amend House File 922 as follows:
     1 2 \frac{\#1}{} Page 3, lines 3 and 4, by striking the words
     1 3 <punishment which is humiliating or frightening,>.
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    1 6
    1 7 FORRISTALL of Pottawattamie
    1 8 HF 922.702 82
    1 9 jp/gg/10235
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Amend House File 922 as follows:
  1 2 \#1. Page 2, by inserting after line 30 the
    3 following:
         <Sec.
                  _. Section 237A.13, Code 2007, is amended
  1 5 by adding the following new subsection:
         NEW SUBSECTION. 3A. The department's billing and
  1 7 payment provisions for the program shall allow
  1 8 providers to elect monthly billing and payment for
  1 9 child care provided under the program. The department
  1 10 shall remit payment to a provider within ten business
  1 11 days of receiving a bill or claim for services
  1 12 provided. However, if the department determines that
  1 13 a bill has an error or omission, the department shall
  1 14 notify the provider of the error or omission and
  1 15 identify any correction needed before issuance of
  1 16 payment to the provider. The department shall provide
  1 17 the notice within five business days of receiving the
  1 18 billing from the provider and shall remit payment to
  1 19 the provider within ten business days of receiving the
  1 20 corrected billing.>
  1 21 #2. By renumbering as necessary.
  1 22
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  1 25 PETERSEN of Polk
  1 26 HF 922.701 82
  1 27 jp/qq/10234
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Amend House File 922 as follows:
  1 2 \frac{\#1}{} Page 4, line 5, by inserting after the word
    3 <issues.> the following: <The workgroup shall also
    4 identify the number of child care centers, child
  1 5 development homes, and child care homes in the state
  1 6 as of the close of fiscal year 2007=2008 and shall
  1 7 project the number of child care home providers who
  1 8 would be required to register if the requirements of
  1 9 this Act were in effect for that fiscal year. In
  1 10 addition, the workgroup shall project the costs to
  1 11 child care providers and families to comply with the
  1 12 requirements of this Act.>
  1 13
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  1 16 HEATON of Henry
  1 17 HF 922.301 82
  1 18 jp/cf/10231
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PAG LIN
           Amend House File 922 as follows:
     1 2 \frac{\#1}{} Page 4, line 19, by striking the figure <2008>
     1 3 and inserting the following: <2009>.
     1 4 \pm 2. Page 4, line 27, by striking the figure <2008>
     1 5 and inserting the following: <2009>.
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    1 9 HEATON of Henry
     1 10 HF 922.201 82
    1 11 jp/es/10230
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Amend House File 922 as follows:
  1 2 \#1. Page 2, by inserting after line 30 the
    3 following:
          <Sec.
                  _. Section 237A.13, Code 2007, is amended
  1 5 by adding the following new subsection:
          NEW SUBSECTION. 3A. The department's billing and
  1 7 payment provisions for the program shall allow
  1 8 providers to elect either biweekly or monthly billing
  1 9 and payment for child care provided under the program.
  1 10 The department shall remit payment to a provider
  1 11 within ten business days of receiving a bill or claim
  1 12 for services provided. However, if the department
  1 13 determines that a bill has an error or omission, the
  1 14 department shall notify the provider of the error or
  1 15 omission and identify any correction needed before
  1 16 issuance of payment to the provider. The department
  1 17 shall provide the notice within five business days of
  1 18 receiving the billing from the provider and shall
  1 19 remit payment to the provider within ten business days
  1 20 of receiving the corrected billing.>
  1 21 #2. By renumbering as necessary.
  1 22
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  1 25 HEATON of Henry
  1 26 HF 922.501 82
  1 27 jp/je/10228
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Amend House File 922 as follows:
    2 #1. Page 4, line 17, by inserting before the word
    3 <EFFECTIVE> the following: <CONTINGENT>.
    4 #2. Page 4, by striking lines 18 through 28 and
  1 5 inserting the following:
          <Implementation of this Act is contingent upon</pre>
  1 7 enactment of appropriations specifically providing
  1 8 funding and authorization for sufficient full=time
  1 9 equivalent positions so that each child care provider
  1 10 who would be subject to registration under the
  1 11 provisions of this Act would annually receive a
  1 12 regulatory visit from an employee of the department of
  1 13 human services, for increased reimbursements under the
  1 14 state child care assistance program, and for adequate
  1 15 resources to address other needs associated with this
  1 16 Act. The legislation making the appropriations shall
  1 17 also include an effective date and other provisions
  1 18 providing for the implementation of this Act.>
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  1 20
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  1 22 UPMEYER of Hancock
  1 23 HF 922.202 82
  1 24 jp/es/10233
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           Amend House File 922 as follows:
     1 2 \frac{\#1}{} Page 1, by striking lines 25 through 27 and
     1 3 inserting the following:
     1 4 <(1) An individual providing child care in a
    1 5 private residence to children who reside in the
    1 6 private residence.>
    1 7 #2. Page 1, by striking lines 28 and 29 and
    1 8 inserting the following:
    1 9 <(2) A relative providing care to children who are
    1 10 all related to the relative.>
     1 11
    1 12
    1 13
    1 14 ROBERTS of Carroll
    1 15 HF 922.204 82
    1 16 jp/es/10548
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Amend House File 922 as follows:
  1 2 \pm 1. Page 3, by striking lines 14 through 31 and
    3 inserting the following:
          <1. The legislative council is requested to
  1 5 authorize a workgroup to address implementation of the
  1 6 child care registration changes made in this Act and
  1 7 the issues identified in this section. If
  1 8 established, the workgroup should engage participation
  1 9 by representatives of the departments of human
  1 10 services, education, human rights, and public health
  1 11 and the state child care advisory council. The
  1 12 workgroup should complete its deliberations in
  1 13 December 2007 to report to the governor and general
  1 14 assembly for consideration during the 2008 legislative
  1 15 session.>
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  1 19 MASCHER of Johnson
 1 20 HF 922.206 82
 1 21 jp/es/10508
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